

# 2018 Current Fiscal Year Report: Advisory Committee on International Law

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## 1. Department or Agency

Department of State

## 2. Fiscal Year

2018

## 3. Committee or Subcommittee

Advisory Committee on International Law

## 3b. GSA Committee No.

660

## 4. Is this New During Fiscal Year?

No

## 5. Current Charter

04/21/2016

## 6. Expected Renewal Date

04/21/2018

## 7. Expected Term Date

## 8a. Was Terminated During Fiscal Year?

No

## 8b. Specific Termination Authority

22 U.S.C. 2656

## 8c. Actual Term Date

## 9. Agency Recommendation for Next Fiscal Year

Continue

## 10a. Legislation Req to Terminate?

No

## 10b. Legislation Pending?

Not Applicable

## 11. Establishment Authority

Agency Authority

## 12. Specific Establishment Authority

22 U.S.C. 2656

## 13. Effective Date

08/22/1986

## 14. Committee Type

Continuing

## 14c. Presidential?

No

## 15. Description of Committee

National Policy Issue Advisory Board

## 16a. Total Number of Reports

No Reports for this Fiscal Year

## 17a. Open Meetings and Dates 1 17b. Closed Meetings and Dates 0 17c. Partially Closed Meetings and Dates 0 17d. Total Meetings and Dates 1

Purpose  
Meeting

Start  
09/27/2018

End  
- 09/27/2018

## Number of Committee Meetings Listed: 1

	Current FY	Next FY
18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$11,241.88	\$11,241.88
18a(3). Personnel Pmts to Federal Staff	\$0.00	\$0.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$0.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$318.00	\$318.00
18d. Total	\$11,559.88	\$11,559.88

**20a. How does the Committee accomplish its purpose?**

During FY 2018, the Committee once again provided a valuable forum for a lively exchange of views on U.S. policy on important international law issues. The Committee continued to produce spirited and open discussion among leading U.S. international law experts, giving the Legal Adviser and Office of the Legal Adviser attorneys useful observations concerning their analyses of current issues, providing alternative views, and flagging potential problems. These exchanges also gave Committee members – leading international lawyers – a better understanding of the Government's concerns and objectives. During FY 2018, the Committee considered various issues relating to international law. Committee members provided comments and insights that aided in structuring the U.S. analyses and approaches on these current topics involving vital U.S. interests. The Committee's discussions on these matters with the Legal Adviser and Office of the Legal Adviser attorneys enhanced their legal advice to the Secretary of State and the Department of State.

**20b. How does the Committee balance its membership?**

The Committee's membership is composed of (i) former Legal Advisers; (ii) members of the private bar; and (iii) law school faculty members and representatives of professional associations focused on international law. Members reflect a variety of political viewpoints. Committee members are leaders or active participants in national and influential bar associations or other professional societies. Their participation in the Committee allows the U.S. Government not only to ascertain the views of these organizations but also to ensure that United States Government positions are effectively disseminated to leading members of the U.S. international law community.

**20c. How frequent and relevant are the Committee Meetings?**

The Committee generally meets twice a year. The Legal Adviser, Acting Legal Adviser, or Principal Deputy Legal Adviser calls meetings of the Committee to obtain the Committee's views in light of pending issues. During FY 2019, there will likely be a continued need for the Committee's consultation on current issues.

**20d. Why can't the advice or information this committee provides be obtained elsewhere?**

The Committee's membership includes former State Department Legal Advisers and many of the nation's outstanding academics and practitioners in the field of public international law. Together, the Committee members constitute a unique reservoir of experience and expertise in international law and foreign policy. The exchanges among

the Committee members – as well as between the members, the Legal Adviser, and Office of the Legal Adviser attorneys – could not be duplicated; the openness and candor of members' advice, elicited during their interactions, is unparalleled. Moreover, the time and resources the Legal Adviser and Office of the Legal Adviser attorneys save by soliciting such views through Committee meetings are considerable. The members are generous in giving their unremunerated time and advice to the Department through the Committee.

## **20e. Why is it necessary to close and/or partially closed committee meetings?**

N/A

## **21. Remarks**

The Committee does not provide formal recommendations, and thus does not generate any reports. All members are recognized experts in international law. Meetings are held in order to give them an opportunity to comment and offer suggestions or insights to the Legal Adviser and Office of the Legal Adviser attorneys on international legal challenges currently being addressed. Costs are incurred to plan and manage the meetings and prepare relevant background materials for members and attendees.

## **Designated Federal Officer**

Brian Kelly Executive Director

<b>Committee Members</b>	<b>Start</b>	<b>End</b>	<b>Occupation</b>	<b>Member Designation</b>
Amirfar, Catherine	08/25/2018	04/16/2020	Partner, Debevoise & Plimpton	Special Government Employee (SGE) Member
Anaya, James	08/25/2018	04/16/2020	Professor, Univ. of Arizona College of Law	Special Government Employee (SGE) Member
Aswad, Evelyn	08/25/2018	04/16/2020	Professor, Univ. of Oklahoma College of Law	Special Government Employee (SGE) Member
Bellinger, John	08/25/2018	04/16/2020	Partner, Arnold & Porter LLP	Special Government Employee (SGE) Member
Bethlehem, Daniel	08/25/2018	04/16/2020	Law Professor & Barrister	Representative Member
Bodansky, Daniel	08/25/2018	04/16/2020	Professor, Arizona State Univ. College of Law	Special Government Employee (SGE) Member
Bradley, Curtis	08/25/2018	04/16/2020	Professor, Duke Law School	Special Government Employee (SGE) Member
Cleveland, Sarah	08/25/2018	04/16/2020	Professor, Columbia Law School	Special Government Employee (SGE) Member
Damrosch, Lori	08/25/2018	04/16/2020	Professor, Columbia Law School	Special Government Employee (SGE) Member
Deeks, Ashley	08/25/2018	04/16/2020	Associate Professor of Law, Univ. of Virginia School of Law	Special Government Employee (SGE) Member
Dodge, William	08/25/2018	04/16/2020	Law Professor, University of California, Hastings College of the Law	Special Government Employee (SGE) Member
Donovan, Donald	08/25/2018	04/16/2020	Partner, Debevoise & Plimpton	Special Government Employee (SGE) Member

Egan, Brian	08/25/2018	04/16/2020	Partner, Steptoe & Johnson LLP	Special Government Employee (SGE) Member
Goodman, Ryan	08/25/2018	04/16/2020	Professor, New York University School of Law	Special Government Employee (SGE) Member
Hathaway, Oona	08/25/2018	04/16/2020	Professor, Yale Law School	Special Government Employee (SGE) Member
Hendrix, Glenn	04/21/2016	04/21/2018	Partner, Arnall Golden Gregory LLP	Representative Member
Jinks, Derek	08/25/2018	04/16/2020	Professor, Univ. of Texas School of Law	Special Government Employee (SGE) Member
Koh, Harold	08/25/2018	04/16/2020	Professor, Yale Law School	Special Government Employee (SGE) Member
Low, Lucinda	08/25/2018	04/16/2020	Partner, Steptoe & Johnson LLP	Special Government Employee (SGE) Member
Lutz, Robert	08/25/2018	04/16/2020	Professor, Southwestern Law School	Representative Member
Martinez, Jenny	08/25/2018	04/16/2020	Professor, Stanford Law School	Special Government Employee (SGE) Member
Matheson, Michael	08/25/2018	04/16/2020	Professor, George Washington Univ. Law School	Special Government Employee (SGE) Member
Morrison, Trevor	04/21/2016	04/21/2018	Dean, New York University School of Law	Special Government Employee (SGE) Member
Nafziger, James	08/25/2018	04/16/2020	Professor, Willamette Univ. College of Law	Special Government Employee (SGE) Member
Neuman, Gerald	08/25/2018	04/16/2020	Professor, Harvard Law School	Special Government Employee (SGE) Member
Newstead, Jennifer	01/05/2018	04/16/2020	Legal Adviser	Regular Government Employee (RGE) Member
Oxman, Bernard	08/25/2018	04/16/2020	Professor, Univ. of Miami School of Law	Special Government Employee (SGE) Member
Ratner, Steven	08/25/2018	04/16/2020	Professor, Univ. of Michigan Law School	Special Government Employee (SGE) Member
Robinson, Davis	08/25/2018	04/16/2020	Senior Counsel, Crowell & Moring LLP	Special Government Employee (SGE) Member
Schmitt, Michael	08/25/2018	04/16/2020	Director, Stockton Center for the Study of International Law	Regular Government Employee (RGE) Member
Smith, Jeffrey	08/25/2018	04/16/2020	Partner, Arnold & Porter   Kaye Scholer	Special Government Employee (SGE) Member
Sofaer, Abraham	08/25/2018	04/16/2020	George P. Shultz Senior Fellow in Foreign Policy & National Security Affairs, Hoover Institution, Stanford University	Special Government Employee (SGE) Member
Stromseth, Jane	08/25/2018	04/16/2020	Professor, Georgetown Law	Special Government Employee (SGE) Member
Swaine, Edward	08/25/2018	04/16/2020	Professor, George Washington Univ. Law School	Special Government Employee (SGE) Member
Taft, William	08/25/2018	04/16/2020	Of Counsel, Fried, Frank, Harris, Shriver & Jacobson LLP	Special Government Employee (SGE) Member
Thomas, Chantal	08/25/2018	04/16/2020	Professor, Cornell Law School	Special Government Employee (SGE) Member
Van Schaack, Beth	08/25/2018	04/16/2020	Leah Kaplan Visiting Professor in Human Rights at Stanford Law School	Special Government Employee (SGE) Member
Wedgwood, Ruth	08/25/2018	04/16/2020	Professor, Johns Hopkins School of Adv. Intl. Studies	Special Government Employee (SGE) Member
Williamson, Edwin	08/25/2018	04/16/2020	Of Counsel, Sullivan & Cromwell LLP	Special Government Employee (SGE) Member
Wuerth, Ingrid	04/21/2016	04/21/2018	Professor, Vanderbilt University Law School	Special Government Employee (SGE) Member

## Number of Committee Members Listed: 40

### Narrative Description

The Committee provides a valuable forum for a lively exchange of views on U.S. policy on important international law issues. Committee meetings continue to produce spirited and open discussion among leading U.S. international law experts, giving the Legal Adviser and Office of the Legal Adviser attorneys useful observations concerning their analyses of current issues, providing alternative views, and flagging potential problems. These exchanges also gave Committee members – leading U.S. international lawyers – a much better understanding of the Government's concerns and objectives. Committee members thoughtfully discuss relevant issues, providing comments and insights that aid in structuring the U.S. analyses and approaches on current topics involving vital U.S. interests. The Committee's advice to the Legal Adviser and Office of the Legal Adviser attorneys enhances their legal advice to the Secretary of State and the Department of State and benefited U.S. policy on important legal issues. The Committee's membership comprises members of the private bar and private companies, as well as law school faculty members and representatives of professional associations. Members reflect a variety of political viewpoints. Committee members are leaders or active participants in national and influential bar associations or other professional societies. Their participation in the Committee allows the U.S. Government not only to ascertain the views of these organizations but also to ensure that U.S. Government positions are effectively disseminated to leading members of the U.S. international law community.

### What are the most significant program outcomes associated with this committee?

Checked if Applies

Improvements to health or safety	<input type="checkbox"/>
Trust in government	<input checked="" type="checkbox"/>
Major policy changes	<input checked="" type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input type="checkbox"/>
Increased customer satisfaction	<input type="checkbox"/>
Implementation of laws or regulatory requirements	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

### Outcome Comments

Not Applicable

**What are the cost savings associated with this committee?**

Checked if Applies

- |                            |                                     |
|----------------------------|-------------------------------------|
| None                       | <input type="checkbox"/>            |
| Unable to Determine        | <input checked="" type="checkbox"/> |
| Under \$100,000            | <input type="checkbox"/>            |
| \$100,000 - \$500,000      | <input type="checkbox"/>            |
| \$500,001 - \$1,000,000    | <input type="checkbox"/>            |
| \$1,000,001 - \$5,000,000  | <input type="checkbox"/>            |
| \$5,000,001 - \$10,000,000 | <input type="checkbox"/>            |
| Over \$10,000,000          | <input type="checkbox"/>            |
| Cost Savings Other         | <input type="checkbox"/>            |

**Cost Savings Comments**

The advice, perspective, and experience provided by Committee members cannot be quantified.

**What is the approximate Number of recommendations produced by this committee for the life of the committee?**

0

**Number of Recommendations Comments**

Committee members are not asked for formal recommendations as a Committee, and therefore do not provide consensus recommendations.

**What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?**

0%

**% of Recommendations Fully Implemented Comments**

Because there have been no formal recommendations, none have been implemented.

**What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?**

0%

**% of Recommendations Partially Implemented Comments**

Because there have been no formal recommendations, none have been partially

implemented.

**Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?**

Yes ☐ No ☒ Not Applicable ☐

**Agency Feedback Comments**

Not Applicable

**What other actions has the agency taken as a result of the committee's advice or recommendation?**

Checked if Applies

Reorganized Priorities	<input type="checkbox"/>
Reallocated resources	<input type="checkbox"/>
Issued new regulation	<input type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Action Comments**

Because there have been no formal recommendations, no actions have been taken as a result. The views of the Committee are taken into account, however.

**Is the Committee engaged in the review of applications for grants?**

No

**Grant Review Comments**

Not Applicable

**How is access provided to the information for the Committee's documentation?**

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input checked="" type="checkbox"/>
Online Committee Web Site	<input type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Access Comments**

The Advisory Committee on International Law does not publish reports. Please contact the DFO for additional information regarding the Committee.